

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

1 Marie Encar Arnold,

2 Plaintiff

3 v.

4 United States of America, et al.,

5 Defendants

Case No. 2:25-cv-00123-CDS-NJK

6 Order Granting Plaintiff's Motion for  
7 Voluntary Dismissal and Declining to  
8 Adopt as Moot Magistrate Judge's Report  
9 and Recommendation

[ECF Nos. 1, 4, 5]

10 Pro se plaintiff Marie Encar Arnold brings this lawsuit against defendants the United  
11 States of America, the United States Postal Service, and Sarah A. Brewer alleging violations of  
12 the Federal Tort Claims Act. Compl., ECF No. 1-2. Alongside the complaint, Arnold applied to  
13 proceed *informa pauperis*. ECF No. 1. On February 25, 2025, United States Magistrate Judge  
14 Nancy J. Koppe reviewed Arnold's submission and issued a report and recommendation (R&R)  
15 that the application be denied. R&R, ECF No. 4. Arnold had until March 11, 2025, to file any  
16 specific written objections to the R&R. *Id.* at 2 (citing Local Rule IB 3-2 (stating that parties  
17 wishing to object to the magistrate judge's findings and recommendations must file specific  
18 written objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1) (same). Rather than  
19 object, Arnold filed a motion for voluntary dismissal without prejudice. ECF No. 5.

20 Federal Rule of Civil Procedure 41 allows voluntary dismissal of an action by a plaintiff  
21 without a court order if the opposing party has not filed an answer or a motion for summary  
22 judgment. In this case, no defendant has appeared. Thus, Arnold's case should be dismissed  
23 without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(i). Because Arnold has voluntarily dismissed  
24 this action without prejudice, the R&R is moot.

1 Conclusion  
2

3 IT IS THEREFORE ORDERED that the report and recommendation of the magistrate  
judge [ECF No. 4] is declined as moot.

4 IT IS FURTHER ORDERED that Arnold's application to proceed in forma pauperis  
5 [ECF No. 1] is denied as moot.

6 Arnold's case is dismissed without prejudice, so the Clerk of Court is kindly directed to  
7 close this case.

8 Dated: March 14, 2025

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10 Cristina D. Silva  
United States District Judge  
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